

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AMEL WILLIAM DALLUGE,

Plaintiff,

vs.

TEDDY CHOW, FRANK DETROLIO,  
GRANT COUNTY JAIL, et al.,

Defendants.

NO. CV-10-0050-LRS

ORDER DENYING PLAINTIFF'S MOTION  
TO VOID

BEFORE THE COURT is Plaintiff's "Motion To Void All Decisions  
For a Lack of Jurisdiction," Ct. Rec. 69, filed August 19, 2010.

Defendant Chow filed an opposition on August 26, 2010 (Ct. Rec. 71).

Dalluge filed this civil rights action in Grant County Superior  
Court. *Dalluge v. Chow et al.*, Grant County Cause No. 09-2-01619-1.  
The complaint stated a federal cause of action, i.e. violation of  
Dalluge's constitutional right to due process. Defendants removed the  
case to this Court. Defendants then moved for summary judgment and  
this court granted summary judgment and dismissed the action on July  
22, 2010. (Ct. Rec. 67).

Plaintiff Dalluge now claims this Court lacks subject matter  
jurisdiction. Plaintiff did not raise any jurisdictional argument in  
response to the defendant's motions to dismiss. Defendants filed a

1 proper notice of removal in the Superior Court as permitted by 28  
2 U.S.C. § 1446(a). A case is removable if it presents a "federal  
3 question". "Federal question" cases are those cases "arising under the  
4 Constitution, laws, or treaties of the United States." Defendants can  
5 remove cases that present at least one federal claim. Accordingly,  
6 cases that mix state and federal claims, such as this case, are  
7 removable. The Court finds that Defendants exercised their right to  
8 remove the action to federal court.

9 Accordingly,

10 **IT IS ORDERED:**

11 1. Plaintiff's "Motion To Void All Decisions For a Lack of  
12 Jurisdiction," Ct. Rec. 69, filed August 19, 2010, **DENIED**.

13  
14 **IT IS SO ORDERED.** The District Court Executive is directed to  
15 enter this Order, forward copies to Plaintiff Dalluge and the file  
16 remains closed.

17 **DATED** this 16th day of September, 2010.

18 ***s/Lonny R. Suko***

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20 LONNY R. SUKO  
21 CHIEF UNITED STATES DISTRICT JUDGE  
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